

Union Calendar No. 293

104TH CONGRESS  
2D Session

**H. R. 3060**

[Report No. 104-593, Part I]

**A BILL**

To implement the Protocol on Environmental  
Protection to the Antarctic Treaty.

MAY 23, 1996

Committees on International Relations and Resources  
discharged; committed to the Committee of the Whole  
House on the State of the Union and ordered to be  
printed

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1996

Mr. WALKER (for himself, Mr. BROWN of California, Mrs. MORELLA, Mr. SCHIFF, Mr. ROHRABACHER, Mr. CRAMER, Mr. DAVIS, Mr. EHLERS, Mr. BOEHLERT, Mr. WELDON of Pennsylvania, Mrs. SEASTRAND, Mr. HASTINGS of Florida, Ms. LOFGREN, Mr. MCHALE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MINGE, Mr. OLVER, Ms. RIVERS, Ms. JACKSON-LEE of Texas, and Mr. BAKER of California) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committees on International Relations and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 23, 1996

Additional sponsors: Mr. CALVERT, Mr. FOLEY, Mr. GUTKNECHT, Mr. DOYLE, Mr. SENSENBRENNER, Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. FAWELL, and Mr. PORTER

MAY 23, 1996

Reported from the Committee on Science

MAY 23, 1996

Referral to the Committees on International Relations and Resources extended for a period ending not later than May 23, 1996

MAY 23, 1996

Committees on International Relations and Resources discharged; committed

to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To implement the Protocol on Environmental Protection to the Antarctic Treaty.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antarctic Environ-  
 5 mental Protection Act of 1996”.

## 6 **TITLE I—AMENDMENTS TO THE** 7 **ANTARCTIC CONSERVATION** 8 **ACT OF 1978**

### 9 **SEC. 101. FINDINGS AND PURPOSE.**

10 Section 2 of the Antarctic Conservation Act of 1978  
 11 (16 U.S.C. 2401) is amended to read as follows:

#### 12 **“SEC. 2. FINDINGS AND PURPOSE.**

13 “(a) FINDINGS.—The Congress finds that the Ant-  
 14 arctic Treaty and the Protocol on Environmental Protec-  
 15 tion to the Antarctic Treaty establish a firm foundation  
 16 for the comprehensive protection of the Antarctic environ-  
 17 ment, the continuation of international cooperation, and  
 18 the freedom of scientific investigation in Antarctica.

1       “(b) PURPOSE.—The purpose of this Act is to pro-  
2 vide legislative authority to implement, with respect to the  
3 United States, the Protocol on Environmental Protection  
4 to the Antarctic Treaty.”.

5 **SEC. 102. DEFINITIONS.**

6       Section 3 of the Antarctic Conservation Act of 1978  
7 (16 U.S.C. 2402) is amended to read as follows:

8 **“SEC. 3. DEFINITIONS.**

9       “For purposes of this Act—

10           “(1) the term ‘Administrator’ means the Ad-  
11 ministrator of the Environmental Protection Agency;

12           “(2) the term ‘Antarctica’ means the area south  
13 of 60 degrees south latitude;

14           “(3) the term ‘Antarctic Specially Protected  
15 Area’ means an area identified as such pursuant to  
16 Annex V to the Protocol;

17           “(4) the term ‘Director’ means the Director of  
18 the National Science Foundation;

19           “(5) the term ‘harmful interference’ means—

20           “(A) flying or landing helicopters or other  
21 aircraft in a manner that disturbs concentra-  
22 tions of birds or seals;

23           “(B) using vehicles or vessels, including  
24 hovercraft and small boats, in a manner that  
25 disturbs concentrations of birds or seals;

1           “(C) using explosives or firearms in a  
2           manner that disturbs concentrations of birds or  
3           seals;

4           “(D) willfully disturbing breeding or  
5           molting birds or concentrations of birds or seals  
6           by persons on foot;

7           “(E) significantly damaging concentrations  
8           of native terrestrial plants by landing aircraft,  
9           driving vehicles, or walking on them, or by  
10          other means; and

11          “(F) any activity that results in the signifi-  
12          cant adverse modification of habitats of any  
13          species or population of native mammal, native  
14          bird, native plant, or native invertebrate;

15          “(6) the term ‘historic site or monument’  
16          means any site or monument listed as a historic site  
17          or monument pursuant to Annex V to the Protocol;

18          “(7) the term ‘impact’ means impact on the  
19          Antarctic environment and dependent and associated  
20          ecosystems;

21          “(8) the term ‘import’ means to land on, bring  
22          into, or introduce into, or attempt to land on, bring  
23          into or introduce into, any place subject to the juris-  
24          diction of the United States, including the 12-mile  
25          territorial sea of the United States, whether or not

1       such act constitutes an importation within the mean-  
2       ing of the customs laws of the United States;

3               “(9) the term ‘native bird’ means any member,  
4       at any stage of its life cycle (including eggs), of any  
5       species of the class Aves which is indigenous to Ant-  
6       arctica or occurs there seasonally through natural  
7       migrations, and includes any part of such member;

8               “(10) the term ‘native invertebrate’ means any  
9       terrestrial or freshwater invertebrate, at any stage of  
10      its life cycle, which is indigenous to Antarctica, and  
11      includes any part of such invertebrate;

12              “(11) the term ‘native mammal’ means any  
13      member, at any stage of its life cycle, of any species  
14      of the class Mammalia, which is indigenous to Ant-  
15      arctica or occurs there seasonally through natural  
16      migrations, and includes any part of such member;

17              “(12) the term ‘native plant’ means any terres-  
18      trial or freshwater vegetation, including bryophytes,  
19      lichens, fungi, and algae, at any stage of its life  
20      cycle (including seeds and other propagules), which  
21      is indigenous to Antarctica, and includes any part of  
22      such vegetation;

23              “(13) the term ‘non-native species’ means any  
24      species of animal or plant which is not indigenous to

1       Antarctica and does not occur there seasonally  
2       through natural migrations;

3               “(14) the term ‘person’ has the meaning given  
4       that term in section 1 of title 1, United States Code,  
5       and includes any person subject to the jurisdiction  
6       of the United States and any department, agency, or  
7       other instrumentality of the Federal Government or  
8       of any State or local government;

9               “(15) the term ‘prohibited product’ means any  
10       substance banned from introduction onto land or ice  
11       shelves or into water in Antarctica pursuant to  
12       Annex III to the Protocol;

13              “(16) the term ‘prohibited waste’ means any  
14       substance which must be removed from Antarctica  
15       pursuant to Annex III to the Protocol, but does not  
16       include materials used for balloon envelopes required  
17       for scientific research and weather forecasting;

18              “(17) the term ‘Protocol’ means the Protocol on  
19       Environmental Protection to the Antarctic Treaty,  
20       signed October 4, 1991, in Madrid, and all annexes  
21       thereto, including any future amendments thereto to  
22       which the United States is a party;

23              “(18) the term ‘Secretary’ means the Secretary  
24       of Commerce;

1           “(19) the term ‘Specially Protected Species’  
2           means any native species designated as a Specially  
3           Protected Species pursuant to Annex II to the Pro-  
4           tocol;

5           “(20) the term ‘take’ means to kill, injure, cap-  
6           ture, handle, or molest a native mammal or bird, or  
7           to remove or damage such quantities of native plants  
8           that their local distribution or abundance would be  
9           significantly affected;

10          “(21) the term ‘Treaty’ means the Antarctic  
11          Treaty signed in Washington, DC, on December 1,  
12          1959;

13          “(22) the term ‘United States’ means the sev-  
14          eral States of the Union, the District of Columbia,  
15          the Commonwealth of Puerto Rico, American  
16          Samoa, the Virgin Islands, Guam, the Common-  
17          wealth of the Northern Mariana Islands, and any  
18          other commonwealth, territory, or possession of the  
19          United States; and

20          “(23) the term ‘vessel subject to the jurisdiction  
21          of the United States’ includes any ‘vessel of the  
22          United States’ and any ‘vessel subject to the juris-  
23          diction of the United States’ as those terms are de-  
24          fined in section 303 of the Antarctic Marine Living



1 Resources Convention Act of 1984 (16 U.S.C.  
2 2432).”.

3 **SEC. 103. PROHIBITED ACTS.**

4 Section 4 of the Antarctic Conservation Act of 1978  
5 (16 U.S.C. 2403) is amended to read as follows:

6 **“SEC. 4. PROHIBITED ACTS.**

7 “(a) IN GENERAL.—It is unlawful for any person—

8 “(1) to introduce any prohibited product onto  
9 land or ice shelves or into water in Antarctica;

10 “(2) to dispose of any waste onto ice-free land  
11 areas or into fresh water systems in Antarctica;

12 “(3) to dispose of any prohibited waste in Ant-  
13 arctica;

14 “(4) to engage in open burning of waste;

15 “(5) to transport passengers to, from, or within  
16 Antarctica by any seagoing vessel not required to  
17 comply with the Act to Prevent Pollution from Ships  
18 (33 U.S.C. 1901 et seq.), unless the person has an  
19 agreement with the vessel owner or operator under  
20 which the owner or operator is required to comply  
21 with Annex IV to the Protocol;

22 “(6) who organizes, sponsors, operates, or pro-  
23 motes a nongovernmental expedition to Antarctica,  
24 and who does business in the United States, to fail  
25 to notify all members of the expedition of the envi-

1       ronmental protection obligations of this Act, and of  
2       actions which members must take, or not take, in  
3       order to comply with those obligations;

4               “(7) to damage, remove, or destroy a historic  
5       site or monument;

6               “(8) to refuse permission to any authorized offi-  
7       cer or employee of the United States to board a ves-  
8       sel, vehicle, or aircraft of the United States, or sub-  
9       ject to the jurisdiction of the United States, for the  
10      purpose of conducting any search or inspection in  
11      connection with the enforcement of this Act or any  
12      regulation promulgated or permit issued under this  
13      Act;

14              “(9) to forcibly assault, resist, oppose, impede,  
15      intimidate, or interfere with any authorized officer  
16      or employee of the United States in the conduct of  
17      any search or inspection described in paragraph (8);

18              “(10) to resist a lawful arrest or detention for  
19      any act prohibited by this section;

20              “(11) to interfere with, delay, or prevent, by  
21      any means, the apprehension, arrest, or detention of  
22      another person, knowing that such other person has  
23      committed any act prohibited by this section;

1           “(12) to violate any regulation issued under  
2       this Act, or any term or condition of any permit is-  
3       sued to that person under this Act; or

4           “(13) to attempt to commit or cause to be com-  
5       mitted any act prohibited by this section.

6       “(b) ACTS PROHIBITED UNLESS AUTHORIZED BY  
7       PERMIT.—It is unlawful for any person, unless authorized  
8       by a permit issued under this Act—

9           “(1) to dispose of any waste in Antarctica (ex-  
10       cept as otherwise authorized by the Act to Prevent  
11       Pollution from Ships) including—

12           “(A) disposing of any waste from land into  
13       the sea in Antarctica; and

14           “(B) incinerating any waste on land or ice  
15       shelves in Antarctica, or on board vessels at  
16       points of embarkation or debarcation, other  
17       than through the use at remote field sites of in-  
18       cinerator toilets for human waste;

19           “(2) to introduce into Antarctica any member  
20       of a nonnative species;

21           “(3) to enter or engage in activities within any  
22       Antarctic Specially Protected Area;

23           “(4) to engage in any taking or harmful inter-  
24       ference in Antarctica; or

1           “(5) to receive, acquire, transport, offer for  
2           sale, sell, purchase, import, export, or have custody,  
3           control, or possession of, any native bird, native  
4           mammal, or native plant which the person knows, or  
5           in the exercise of due care should have known, was  
6           taken in violation of this Act.

7           “(c) EXCEPTION FOR EMERGENCIES.—No act de-  
8           scribed in subsection (a) (1), (2), (3), (4), (5), (7), (12),  
9           or (13) or in subsection (b) shall be unlawful if the person  
10          committing the act reasonably believed that the act was  
11          committed under emergency circumstances involving the  
12          safety of human life or of ships, aircraft, or equipment  
13          or facilities of high value, or the protection of the environ-  
14          ment.”.

15   **SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.**

16          The Antarctic Conservation Act of 1978 is amended  
17          by inserting after section 4 the following new section:

18   **“SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.**

19          “(a) FEDERAL ACTIVITIES.—(1)(A) The obligations  
20          of the United States under Article 8 of and Annex I to  
21          the Protocol shall be implemented by applying the Na-  
22          tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
23          et seq.) to proposals for Federal agency activities in Ant-  
24          arctica, as specified in this section.

1       “(B) The obligations contained in section 102(2)(C)  
2 of the National Environmental Policy Act of 1969 (42  
3 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal  
4 agency activities occurring in Antarctica and affecting the  
5 quality of the human environment in Antarctica or de-  
6 pendent or associated ecosystems, only as specified in this  
7 section. For purposes of the application of such section  
8 102(2)(C) under this subsection, the term ‘significantly  
9 affecting the quality of the human environment’ shall have  
10 the same meaning as the term ‘more than a minor or tran-  
11 sitory impact’.

12       “(2)(A) Unless an agency which proposes to conduct  
13 a Federal activity in Antarctica determines that the activ-  
14 ity will have less than a minor or transitory impact, or  
15 unless a comprehensive environmental evaluation is being  
16 prepared in accordance with subparagraph (C), the agency  
17 shall prepare an initial environmental evaluation in ac-  
18 cordance with Article 2 of Annex I to the Protocol.

19       “(B) If the agency determines, through the prepara-  
20 tion of the initial environmental evaluation, that the pro-  
21 posed Federal activity is likely to have no more than a  
22 minor or transitory impact, the activity may proceed if ap-  
23 propriate procedures are put in place to assess and verify  
24 the impact of the activity.

1       “(C) If the agency determines, through the prepara-  
2       tion of the initial environmental evaluation or otherwise,  
3       that a proposed Federal activity is likely to have more  
4       than a minor or transitory impact, the agency shall pre-  
5       pare and circulate a comprehensive environmental evalua-  
6       tion in accordance with Article 3 of Annex I to the Proto-  
7       col, and shall make such comprehensive environmental  
8       evaluation publicly available for comment.

9       “(3) Any agency decision under this section on  
10       whether a proposed Federal activity, to which paragraph  
11       (2)(C) applies, should proceed, and, if so, whether in its  
12       original or in a modified form, shall be based on the com-  
13       prehensive environmental evaluation as well as other con-  
14       siderations which the agency, in the exercise of its discre-  
15       tion, considers relevant.

16       “(4) For the purposes of this section, the term ‘Fed-  
17       eral activity’ includes all activities conducted under a Fed-  
18       eral agency research program in Antarctica, whether or  
19       not conducted by a Federal agency.

20       “(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY  
21       WITH FOREIGN GOVERNMENTS.—(1) For the purposes of  
22       this subsection, the term ‘Antarctic joint activity’ means  
23       any Federal activity in Antarctica which is proposed to  
24       be conducted, or which is conducted, jointly or in coopera-  
25       tion with one or more foreign governments. Such term

1 shall be defined in regulations promulgated by such agen-  
2 cies as the President may designate.

3 “(2) Where the Secretary of State, in cooperation  
4 with the lead United States agency planning an Antarctic  
5 joint activity, determines that—

6 “(A) the major part of the joint activity is  
7 being contributed by a government or governments  
8 other than the United States;

9 “(B) one such government is coordinating the  
10 implementation of environmental impact assessment  
11 procedures for that activity; and

12 “(C) such government has signed, ratified, or  
13 acceded to the Protocol,

14 the requirements of subsection (a) of this section shall not  
15 apply with respect to that activity.

16 “(3) In all cases of Antarctic joint activity other than  
17 those described in paragraph (2), the requirements of sub-  
18 section (a) of this section shall apply with respect to that  
19 activity, except as provided in paragraph (4).

20 “(4) Determinations described in paragraph (2), and  
21 agency actions and decisions in connection with assess-  
22 ments of impacts of Antarctic joint activities, shall not be  
23 subject to judicial review.

24 “(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Ad-  
25 ministrator shall, within 2 years after the date of the en-

1 actment of the Antarctic Environmental Protection Act of  
2 1996, promulgate regulations to provide for—

3 “(A) the environmental impact assessment of  
4 nongovernmental activities, including tourism, for  
5 which the United States is required to give advance  
6 notice under paragraph 5 of Article VII of the Trea-  
7 ty; and

8 “(B) coordination of the review of information  
9 regarding environmental impact assessment received  
10 from other Parties under the Protocol.

11 “(2) Such regulations shall be consistent with Annex  
12 I to the Protocol.

13 “(d) DECISION TO PROCEED.—(1) No decision shall  
14 be taken to proceed with an activity for which a com-  
15 prehensive environmental evaluation is prepared under  
16 this section unless there has been an opportunity for con-  
17 sideration of the draft comprehensive environmental eval-  
18 uation at an Antarctic Treaty Consultative Meeting, ex-  
19 cept that no decision to proceed with a proposed activity  
20 shall be delayed through the operation of this paragraph  
21 for more than 15 months from the date of circulation of  
22 the draft comprehensive environmental evaluation pursu-  
23 ant to Article 3(3) of Annex I to the Protocol.

24 “(2) The Secretary of State shall circulate the final  
25 comprehensive environmental evaluation, in accordance



1 with Article 3(6) of Annex I to the Protocol, at least 60  
2 days before the commencement of the activity in Antarc-  
3 tica.

4 “(e) CASES OF EMERGENCY.—The requirements of  
5 this section, and of regulations promulgated under this  
6 section, shall not apply in cases of emergency relating to  
7 the safety of human life or of ships, aircraft, or equipment  
8 and facilities of high value, or the protection of the envi-  
9 ronment, which require an activity to be undertaken with-  
10 out fulfilling those requirements.

11 “(f) EXCLUSIVE MECHANISM.—Notwithstanding any  
12 other provision of law, the requirements of this section  
13 shall constitute the sole and exclusive statutory obligations  
14 of the Federal agencies with regard to assessing the envi-  
15 ronmental impacts of proposed Federal activities occur-  
16 ring in Antarctica.

17 “(g) DECISIONS ON PERMIT APPLICATIONS.—The  
18 provisions of this section requiring environmental impact  
19 assessments (including initial environmental evaluations  
20 and comprehensive environmental evaluations) shall not  
21 apply to Federal actions with respect to issuing permits  
22 under section 5.

23 “(h) PUBLICATION OF NOTICES.—Whenever the Sec-  
24 retary of State makes a determination under paragraph  
25 (2) of subsection (b) of this section, or receives a draft

1 comprehensive environmental evaluation in accordance  
2 with Annex I, Article 3(3) to the Protocol, the Secretary  
3 of State shall cause timely notice thereof to be published  
4 in the Federal Register.”.

5 **SEC. 105. PERMITS.**

6 Section 5 of the Antarctic Conservation Act of 1978  
7 (16 U.S.C. 2404) is amended—

8 (1) in subsection (a) by striking “section 4(a)”  
9 and inserting in lieu thereof “section 4(b)”;

10 (2) in subsection (c)(1)(B) by striking “Spe-  
11 cial” and inserting in lieu thereof “Species”; and

12 (3) in subsection (e)—

13 (A) by striking “or native plants to which  
14 the permit applies,” in paragraph (1)(A)(i) and  
15 inserting in lieu thereof “native plants, or na-  
16 tive invertebrates to which the permit applies,  
17 and”;

18 (B) by striking paragraph (1)(A) (ii) and  
19 (iii) and inserting in lieu thereof the following  
20 new clause:

21 “(ii) the manner in which the taking or  
22 harmful interference shall be conducted (which  
23 manner shall be determined by the Director to  
24 be humane) and the area in which it will be  
25 conducted;”;

1 (C) by striking “within Antarctica (other  
2 than within any specially protected area)” in  
3 paragraph (2)(A) and inserting in lieu thereof  
4 “or harmful interference within Antarctica”;

5 (D) by striking “specially protected spe-  
6 cies” in paragraph (2) (A) and (B) and insert-  
7 ing in lieu thereof “Specially Protected Spe-  
8 cies”;

9 (E) by striking “; and” at the end of para-  
10 graph (2)(A)(i)(II) and inserting in lieu thereof  
11 “, or”;

12 (F) by adding after paragraph  
13 (2)(A)(i)(II) the following new subclause:

14 “(III) for unavoidable consequences of  
15 scientific activities or the construction and  
16 operation of scientific support facilities;  
17 and”;

18 (G) by striking “with Antarctica and” in  
19 paragraph (2)(A)(ii)(II) and inserting in lieu  
20 thereof “within Antarctica are”; and

21 (H) by striking subparagraphs (C) and (D)  
22 of paragraph (2) and inserting in lieu thereof  
23 the following new subparagraph:

1           “(C) A permit authorizing the entry into an  
 2       Antarctic Specially Protected Area shall be issued  
 3       only—

4                 “(i) if the entry is consistent with an ap-  
 5       proved management plan, or

6                 “(ii) if a management plan relating to the  
 7       area has not been approved but—

8                 “(I) there is a compelling purpose for  
 9       such entry which cannot be served else-  
 10      where, and

11                “(II) the actions allowed under the  
 12      permit will not jeopardize the natural eco-  
 13      logical system existing in such area.”.

14   **SEC. 106. REGULATIONS.**

15       Section 6 of the Antarctic Conservation Act of 1978  
 16   (16 U.S.C. 2405) is amended to read as follows:

17   **“SEC. 6. REGULATIONS.**

18       “(a) REGULATIONS TO BE ISSUED BY THE DIREC-  
 19   TOR.—(1) The Director shall issue such regulations as are  
 20   necessary and appropriate to implement Annex II and  
 21   Annex V to the Protocol and the provisions of this Act  
 22   which implement those annexes, including section 4(b) (2),  
 23   (3), (4), and (5) of this Act. The Director shall designate  
 24   as native species—

25                “(A) each species of the class Aves;

1           “(B) each species of the class Mammalia; and

2           “(C) each species of plant,

3 which is indigenous to Antarctica or which occurs there

4 seasonally through natural migrations.

5           “(2) The Director, with the concurrence of the Ad-

6 ministrator, shall issue such regulations as are necessary

7 and appropriate to implement Annex III to the Protocol

8 and the provisions of this Act which implement that

9 Annex, including section 4(a) (1), (2), (3), and (4), and

10 section 4(b)(1) of this Act.

11           “(3) The Director shall issue such regulations as are

12 necessary and appropriate to implement Article 15 of the

13 Protocol with respect to land areas and ice shelves in Ant-

14 arctica.

15           “(4) The Director shall issue such additional regula-

16 tions as are necessary and appropriate to implement the

17 Protocol and this Act, except as provided in subsection (b).

18           “(b) REGULATIONS TO BE ISSUED BY THE SEC-

19 RETARY OF THE DEPARTMENT IN WHICH THE COAST

20 GUARD IS OPERATING.—The Secretary of the Depart-

21 ment in which the Coast Guard is operating shall issue

22 such regulations as are necessary and appropriate, in ad-

23 dition to regulations issued under the Act to Prevent Pol-

24 lution from Ships (33 U.S.C. 1901 et seq.), to implement

25 Annex IV to the Protocol and the provisions of this Act

1 which implement that Annex, and, with the concurrence  
2 of the Director, such regulations as are necessary and ap-  
3 propriate to implement Article 15 of the Protocol with re-  
4 spect to vessels.

5 “(c) TIME PERIOD FOR REGULATIONS.—The regula-  
6 tions to be issued under subsection (a) (1) and (2) of this  
7 section shall be issued within 2 years after the date of  
8 the enactment of the Antarctic Environmental Protection  
9 Act of 1996. The regulations to be issued under subsection  
10 (a)(3) of this section shall be issued within 3 years after  
11 the date of the enactment of the Antarctic Environmental  
12 Protection Act of 1996.”.

13 **SEC. 107. SAVING PROVISIONS.**

14 Section 14 of the Antarctic Conservation Act of 1978  
15 is amended to read as follows:

16 **“SEC. 14. SAVING PROVISIONS.**

17 “(a) REGULATIONS.—All regulations promulgated  
18 under this Act prior to the date of the enactment of the  
19 Antarctic Environmental Protection Act of 1996 shall re-  
20 main in effect until superseding regulations are promul-  
21 gated under section 6.

22 “(b) PERMITS.—All permits issued under this Act  
23 shall remain in effect until they expire in accordance with  
24 the terms of those permits.”.

1 **TITLE II—AMENDMENTS TO ANT-**  
2 **ARCTIC PROTECTION ACT OF**  
3 **1990**

4 **SEC. 201. FINDING AND PURPOSE.**

5 Section 2 of the Antarctic Protection Act of 1990 (16  
6 U.S.C. 2461) is amended to read as follows:

7 **“SEC. 2. FINDING AND PURPOSE.**

8 “(a) FINDING.—The Congress finds that the Protocol  
9 on Environmental Protection to the Antarctic Treaty pro-  
10 hibits indefinitely Antarctic mineral resource activities.

11 “(b) PURPOSE.—The purpose of this Act is to pro-  
12 vide legislative authority to implement, with respect to the  
13 United States, Article 7 of the Protocol on Environmental  
14 Protection to the Antarctic Treaty.”.

15 **SEC. 202. PROHIBITION OF ANTARCTIC MINERAL RE-**  
16 **SOURCE ACTIVITIES.**

17 Section 4 of the Antarctic Protection Act of 1990 (16  
18 U.S.C. 2463) is amended by striking “Pending a new  
19 agreement among the Antarctic Treaty Consultative Par-  
20 ties in force for the United States, to which the Senate  
21 has given advice and consent or which is authorized by  
22 further legislation by the Congress, which provides an in-  
23 definite ban on Antarctic mineral resource activities, it”  
24 and inserting in lieu thereof “It”.

1 **SEC. 203. ADDITIONAL AMENDMENTS.**

2 (a) REPEALS.—Sections 5 and 7 of the Antarctic  
3 Protection Act of 1990 (16 U.S.C. 2464 and 2466) are  
4 repealed.

5 (b) REDESIGNATION.—Section 6 of the Antarctic  
6 Protection Act of 1990 (16 U.S.C. 2465) is redesignated  
7 as section 5.

8 **TITLE III—AMENDMENTS TO**  
9 **THE ACT TO PREVENT POLLU-**  
10 **TION FROM SHIPS**

11 **SEC. 301. AMENDMENTS.**

12 (a) DEFINITIONS.—Section 2 of the Act to Prevent  
13 Pollution from Ships (33 U.S.C. 1901) is amended—

14 (1) by redesignating paragraphs (1) through  
15 (10) of subsection (a) as paragraphs (3) through  
16 (12), respectively;

17 (2) by inserting before paragraph (3), as so re-  
18 designated by paragraph (1) of this subsection, the  
19 following new paragraphs:

20 “(1) ‘Antarctica’ means the area south of 60  
21 degrees south latitude;

22 “(2) ‘Antarctic Protocol’ means the Protocol on  
23 Environmental Protection to the Antarctic Treaty,  
24 signed October 4, 1991, in Madrid, and all annexes  
25 thereto, and includes any future amendments thereto  
26 which have entered into force;” and



1           (3) by adding at the end the following new sub-  
2       section:

3       “(c) For the purposes of this Act, the requirements  
4 of Annex IV to the Antarctic Protocol shall apply in Ant-  
5 arctica to all vessels over which the United States has ju-  
6 risdiction.”.

7       (b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the  
8 Act to Prevent Pollution from Ships (33 U.S.C.  
9 1902(b)(1)(B)) is amended by inserting “or the Antarctic  
10 Protocol” after “MARPOL Protocol”.

11       (c) ADMINISTRATION.—Section 4 of the Act to Pre-  
12 vent Pollution from Ships (33 U.S.C. 1903) is amended—

13           (1) by inserting “, Annex IV to the Antarctic  
14 Protocol,” after “the MARPOL Protocol” in the  
15 first sentence of subsection (a);

16           (2) in subsection (b)(1) by inserting “, Annex  
17 IV to the Antarctic Protocol,” after “the MARPOL  
18 Protocol”;

19           (3) in subsection (b)(2)(A) by striking “within  
20 1 year after the effective date of this paragraph,”;  
21 and

22           (4) in subsection (b)(2)(A)(i) by inserting “and  
23 of Annex IV to the Antarctic Protocol” after “the  
24 Convention”.

1 (d) POLLUTION RECEPTION FACILITIES.—Section 6  
2 of the Act to Prevent Pollution from Ships (33 U.S.C.  
3 1905) is amended—

4 (1) in subsection (b) by inserting “or the Ant-  
5 arctic Protocol” after “the MARPOL Protocol”;

6 (2) in subsection (e)(1) by inserting “or the  
7 Antarctic Protocol” after “the Convention”;

8 (3) in subsection (e)(1)(A) by inserting “or Ar-  
9 ticle 9 of Annex IV to the Antarctic Protocol” after  
10 “the Convention”; and

11 (4) in subsection (f) by inserting “or the Ant-  
12 arctic Protocol” after “the MARPOL Protocol”.

13 (e) VIOLATIONS.—Section 8 of the Act to Prevent  
14 Pollution from Ships (33 U.S.C. 1907) is amended—

15 (1) in the first sentence of subsection (a) by in-  
16 serting “Annex IV to the Antarctic Protocol,” after  
17 “MARPOL Protocol”;

18 (2) in the second sentence of subsection (a)—

19 (A) by inserting “or to the Antarctic Pro-  
20 tocol” after “to the MARPOL Protocol”; and

21 (B) by inserting “and Annex IV to the  
22 Antarctic Protocol” after “of the MARPOL  
23 Protocol”;

1           (3) in subsection (b) by inserting “or the Ant-  
2       arctic Protocol” after “MARPOL Protocol” both  
3       places it appears;

4           (4) in subsection (c)(1) by inserting “, of Arti-  
5       cle 3 or Article 4 of Annex IV to the Antarctic Pro-  
6       tocol,” after “to the Convention”;

7           (5) in subsection (c)(2) by inserting “or the  
8       Antarctic Protocol” after “which the MARPOL Pro-  
9       tocol”;

10          (6) in subsection (c)(2)(A) by inserting “,  
11       Annex IV to the Antarctic Protocol,” after  
12       “MARPOL Protocol”;

13          (7) in subsection (c)(2)(B)—

14               (A) by inserting “or the Antarctic Proto-  
15       col” after “to the MARPOL Protocol”; and

16               (B) by inserting “or Annex IV to the Ant-  
17       arctic Protocol” after “of the MARPOL Proto-  
18       col”;

19          (8) in subsection (d)(1) by inserting “, Article  
20       5 of Annex IV to the Antarctic Protocol,” after  
21       “Convention”;

22          (9) in subsection (e)(1)—

23               (A) by inserting “or the Antarctic Proto-  
24       col” after “MARPOL Protocol”; and

1 (B) by striking “that Protocol” and insert-  
2 ing in lieu thereof “those Protocols”; and

3 (10) in subsection (e)(2) by inserting “, of  
4 Annex IV to the Antarctic Protocol,” after  
5 “MARPOL Protocol”.

6 (f) PENALTIES.—Section 9 of the Act to Prevent Pol-  
7 lution from Ships (33 U.S.C. 1908) is amended—

8 (1) in subsection (a) by inserting “Annex IV to  
9 the Antarctic Protocol,” after “MARPOL Proto-  
10 col,”;

11 (2) in subsection (b)(1) by inserting “Annex IV  
12 to the Antarctic Protocol,” after “MARPOL Proto-  
13 col,”;

14 (3) in subsection (b)(2) by inserting “Annex IV  
15 to the Antarctic Protocol,” after “MARPOL Proto-  
16 col,”;

17 (4) in subsection (d) by inserting “Annex IV to  
18 the Antarctic Protocol,” after “MARPOL Proto-  
19 col,”;

20 (5) in subsection (e) by inserting “, Annex IV  
21 to the Antarctic Protocol,” after “MARPOL Proto-  
22 col”; and

23 (6) in subsection (f) by inserting “or the Ant-  
24 arctic Protocol” after “MARPOL Protocol” both  
25 places it appears.